

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1020

In re: FRANKLIN C. SMITH,

Petitioner.

On Petition for Writ of Mandamus

Submitted: April 20, 2017

Decided: April 25, 2017

Before WILKINSON, NIEMEYER, and KEENAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Franklin C. Smith, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Franklin C. Smith petitions for a writ of mandamus compelling Charter One Bank to recognize a power-of-attorney document and to allow Smith access to certain funds, and he has filed a motion to recuse the judges of this court due to an alleged conflict of interest arising from the disposition of a prior, unrelated appeal. With regard to the mandamus petition, Smith presents no evidence that “there are no other adequate means to attain the relief he desires,” such as an ordinary civil suit. *See In re Braxton*, 258 F.3d 250, 261 (4th Cir. 2001) (internal quotation marks omitted) (setting forth standard for granting writ of mandamus). Furthermore, Smith has not identified any valid grounds for recusal. *See* 28 U.S.C. § 455 (2012) (listing grounds for recusal).

Accordingly, we deny Smith’s motion to recuse and deny his mandamus petition. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED